

REMARKS

Upon entry of the present amendments, Claims 2-16, 20-23, 25-29, 31-44, 48-50, 52-59, 63-64, 66-69, 71-77, 79-85 are currently pending in the captioned application. Claims 1, 30, 70 and 78 have been canceled without prejudice or disclaimer of the subject matter contained therein. Reconsideration is respectfully requested for the rejections set forth in the Office Action in view of the following remarks.

Petition under 37 CFR §1.183

Concurrently with the present submission, applicants have filed a Petition under 37 CFR §1.183 for waiver of the signature of unavailable co-inventor Chuck Myers in connection with the antedating inventor and assignee declarations (i.e., under 37 CFR §1.131) previously filed for the captioned patent application. A copy of the Petition is attached to the present response as Attachment A; a copy of the previously filed inventor declaration is attached as Attachment B; and a copy of the previously filed assignee declaration is attached as Attachment C.

Proof similar to the proof required for a petition under 37 CFR §1.47 that the non-signing inventor Mr. Myers is unavailable or refuses to sign the inventor declaration has been submitted with the Petition.

Rejections in view of Schick

In the Office Action, Claims 1-5, 7-16, 20, 22, 25-34, 36-44, 48-49, 52-59, 63-64, 66-67 and 69-77 stand rejected under 35 U.S.C. §102(e) in view of a published patent application

to Schick et al. (U.S. Pub. No. 2002/0065698). In view of the inventor declaration (see Attachment B) and the assignee declaration submitted herewith (see Attachment C), applicants submit that Schick cannot properly be asserted as prior art against the pending claims of the application.

The submitted inventor and assignee declarations provide evidence to demonstrate actual reduction to practice of the claimed invention at least as early as prior to May 1, 2000, which is the earliest possible priority date which can be claimed by Schick. Accordingly, Schick cannot be properly applied under 35 U.S.C. §102(e) to reject the pending claims.

For example, employing Claim 2 as an illustrative claim, the attached declarations demonstrate actual reduction to practice of the claimed invention at least as early as May 1, 2000. In Claim 2, the element of “wirelessly receiving data, by a computer system and from a vehicle, the data comprising numerical diagnostic or location-based data associated with the vehicle” is addressed in at least paragraphs 4-9 of the inventor declarations and paragraphs 3-8 of the assignee declaration. The Claim 2 elements of “processing the data with the computer system to generate diagnostic or location information that is at least in part derived from the received data, wherein the generated information comprises at least one of vehicle status reports and vehicle service recommendations, and wherein the derived information has a meaning distinct from the received data” and “displaying the derived diagnostic or location information on at least one website, the website having a web interface for presenting information associated with the vehicle” are supported by at least paragraph 7 of the Inventor Declaration and paragraph 6 of the assignee declaration. Also, the Claim 2 element of “transmitting an electronic

communication including information associated with the derived diagnostic or location information” is supported by at least paragraphs 6-9 of the inventor declarations and paragraphs 5-8 of the assignee declaration. Furthermore, the Claim 2 element of “wherein the vehicle is selected from a group consisting of an automobile, truck, wheeled commercial equipment, heavy truck, power sport vehicle, collision repair vehicle, marine vehicle, and recreational vehicle” is addressed by at least paragraphs 4-6 of the inventor declarations and paragraphs 3-5 of the assignee declaration.

Accordingly, in view of at least the foregoing reasons, applicants submit that Schick cannot properly be asserted under 35 U.S.C. §102(e) to reject Claim 2.

Also, in the Office Action, Claims 1-5, 7-16, 20, 22, 25-34, 36-44, 48-49, 52-59, 63-64, 66-67 and 69-77 stand rejected under 35 U.S.C. §103 in view of Schick. In view of the inventor declaration and assignee declaration submitted herewith, and in view of the discussion above with respect to rejection of these claims under 35 U.S.C. §102(e), applicants submit that Schick likewise cannot properly be asserted as prior art against Claim 2 and the other pending claims of the application under §103.

Furthermore, independent Claims 25, 29, 31, 52, and 63 are allowable over Schick for reasons analogous to those set forth above with respect to Claim 2. Dependent Claims 3-16, 20-23, 26-28, 32-44, 48-50, 53-59, 64, and 66-85 are allowable at least by virtue of their dependency on allowable independent claims.

Miscellaneous

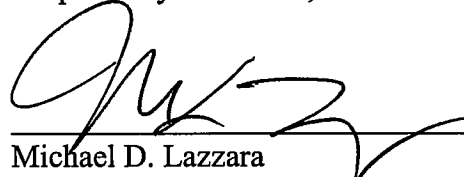
Applicants submit that the dependent claims pending herein are allowable at least by virtue of their dependency on independent claims which, as applicants describe above, are patentable over the cited references. Applicants reserve the right, however, to make supplemental arguments as may be necessary, because the dependent claims of the present application include additional features that further distinguish the claims from the cited references. A detailed discussion of these distinctions is believed to be unnecessary at this time in view of the fundamental distinctions already set forth in the above remarks.

SUMMARY

Based on the declaration evidence and the foregoing remarks, applicants respectfully request reconsideration and allowance of all pending claims of the present application. Any questions or issues regarding this response are invited to the attention of the undersigned representative by telephone or e-mail.

Date: 7/28/2008

Respectfully submitted,



Michael D. Lazzara
Reg. No. 41,142

K&L GATES LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312

Telephone: (412) 355-8994
Fax: (412) 355-6501
E-mail: michael.lazzara@klgates.com

ATTACHMENT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: LOWREY et al.

Group Art Unit: 3661

Application No.: 10/614,665

Examiner: Broadhead, B.

Filed: July 7, 2003

Atty. Docket No.: 0308816.0156

Title: INTERNET-BASED SYSTEM FOR MONITORING VEHICLES

PETITION UNDER 37 CFR §1.183

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Applicants hereby petition under 37 CFR §1.183 for waiver of the signature of an unavailable co-inventor in connection with submission of a Declaration under 37 CFR §1.131 (attached as Appendix A) for the captioned patent application.

The unavailable co-inventor is Chuck Myers. Mr. Myers is a named inventor of the subject matter of the rejected claims of the captioned application and had originally signed the declaration under 37 CFR §1.63 for the application, but is now unavailable to sign the declaration under 37 CFR §1.131 (see Appendix A).

Proof similar to the proof required for a petition under 37 CFR §1.47 that the non-signing inventor Mr. Myers is unavailable or refuses to sign is submitted with this Petition and attached as Appendix B ("Declaration of Applicants' Representative"). In summary, applicants

submit that Mr. Myers' failure to respond to repeated requests for execution of the Declaration is tantamount to a refusal to sign the Declaration.

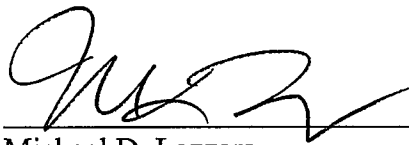
Applicants respectfully request favorable consideration of the present Petition.

Authorization is given to charge Deposit Account No. 11-11110 for the fee required under §1.17(f) for the present Petition. Any questions regarding this Petition are invited to the attention of applicants' undersigned representative.

Respectfully submitted,

Date: _____

7/28/2008



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Reg. No. 41,142

K&L GATES LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312

Telephone: (412) 355-8994
Fax: (412) 355-6501
E-mail: michael.lazzara@klgates.com

Appendix A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3661	:	
	:	
Examiner: Brian J. Broadhead	:	INTERNET-BASED SYSTEM
	:	FOR MONITORING VEHICLES
Applicants: Lowrey et al.	:	
	:	
Serial No.: 10/614,665	:	
	:	
Filing Date: July 7, 2003	:	Confirmation No. 7577
	:	

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

We declare as follows:

1. We are named inventors of the captioned patent application ("Subject Application").
 2. We conceived and reduced to practice the invention described and claimed in the Subject Application prior to May 1, 2000, in association with performing work for NetworkCar.com as employees and/or as independent agents serving as consultants for NetworkCar.com.
-

3. The invention described and claimed in the Subject Application was assigned by us to NetworkCar.com, which assignment was recorded with the United States Patent and Trademark Office on July 7, 2003, at Reel 014273, Frame 0607.

4. In support of the reduction to practice date in paragraph 2, we attach as Exhibit 1 a photograph of an embodiment of the invention installed in a vehicle for collecting and communicating data associated with operation of the vehicle, among other functions.

5. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 2 a photograph of an embodiment of the invention installed and operating in a vehicle and communicating data to a laptop computer system.

6. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 3 an e-mail sent by inventor Bruce Lightner to inventor Chuck Myers describing data collection and data communication in association with operation of certain embodiments of the invention. In particular, the e-mail states that, "I'm now taking OBD-II data from my 1999 Suburban, sending it via the BellSouth network into our IAS gateway, which places it on the Web at the URL: <http://lightner.net/obd>." Although certain dates on the e-mail of Exhibit 3 have been redacted, the data collection and data communication functions of the embodiment of the invention described in the e-mail occurred prior to May 1, 2000. In addition, the e-mail illustrated in Exhibit 3 was generated and sent prior to May 1, 2000.

7. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 4 is a screen capture illustrating a web interface displaying derived diagnostic information (e.g., odometer readings) on a web site dedicated to presenting information associated with a vehicle. Although certain dates on the screen capture of Exhibit 4 have been

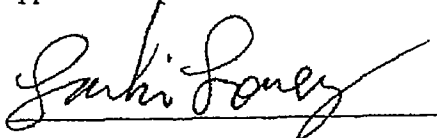
redacted, the web interface and web site as shown were incorporated in connection with reduction to practice of the invention prior to May 1, 2000.

8. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 5 an excerpt from a presentation which describes various component aspects of certain embodiments of the invention described and claimed in the Subject Application. In particular, Exhibit 5 includes photographs of (1) a RIM radio modem and OBD-II interface; (2) an antenna; and (3) an OBD-II connector, each of which may be employed as components of certain embodiments of the invention. Although the date on the presentation has been redacted, the components depicted in Exhibit 5 were implemented as part of a "Mobiscan II" embodiment of the invention reduced to practice prior to May 1, 2000.

9. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 6 an excerpt from a presentation which illustrates various aspects of certain embodiments of the invention described and claimed in the Subject Application. In particular, Exhibit 6 includes a schematic architecture diagram illustrating various communication aspects of certain embodiments of the invention. Although the date on the excerpt has been redacted, the illustrated communications architecture was employed in connection with reduction to practice of the invention prior to May 1, 2000.

Atty. Docket No. 0308816.0156

10. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.


Larkin Hill Lowrey

Date July 18, 2007

Matthew J. Banet

Date _____

Bruce Lightner

Date _____

Diego Borrego

Date _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3661	:	
	:	
Examiner: Brian J. Broadhead	:	INTERNET-BASED SYSTEM
	:	FOR MONITORING VEHICLES
Applicants: Lowery et al.	:	
	:	
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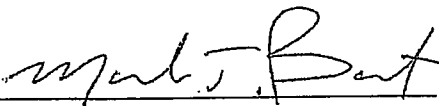
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Larkin Hill Lowery

Date _____



Matthew J. Banet

Date 9-17-07

Bruce Lightner

Date _____

Diego Borrego

Date _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3661	:	
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Examiner: Brian J. Broadhead	:	INTERNET-BASED SYSTEM
	:	FOR MONITORING VEHICLES
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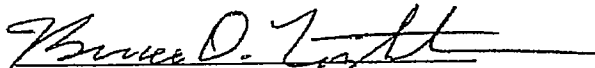
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Larkin Hill Lowrey

Date _____

Matthew J. Banet

Date _____


Bruce Lightner

Date 7/23/2007

Diego Borrego

Date _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3661	:	
	:	
Examiner: Brian J. Broadhead	:	INTERNET-BASED SYSTEM
	:	FOR MONITORING VEHICLES
Applicants: Lowrey et al.	:	
	:	
Serial No.: 10/614,665	:	
	:	
Filing Date: July 7, 2003	:	Confirmation No. 7577
	:	

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Larkin Hill Lowrey

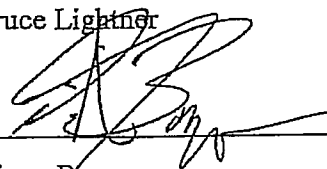
Date _____

Matthew J. Banet

Date _____

Bruce Lightner

Date _____



Diego Borrego

Date 8/1/2007

Exhibit 1

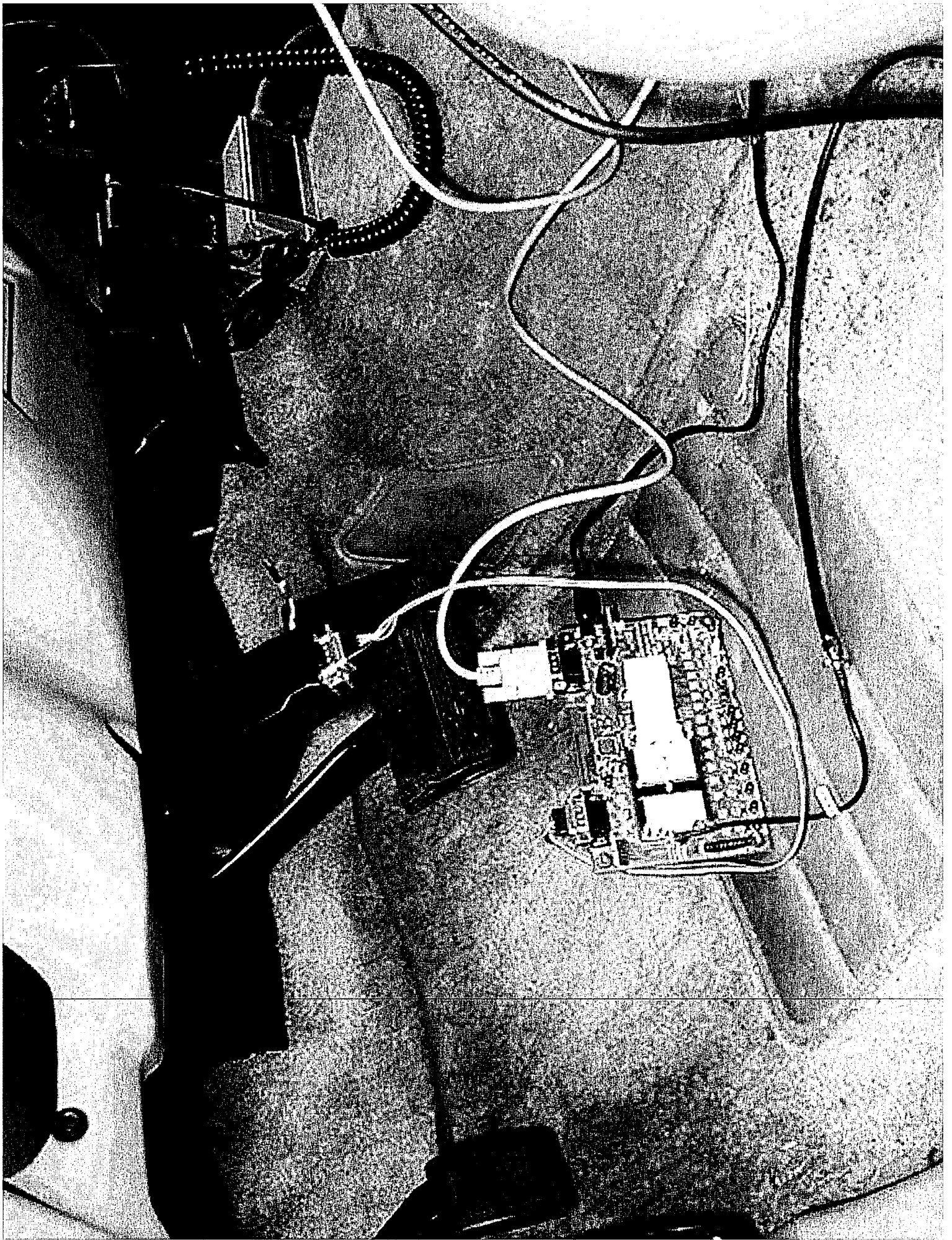


Exhibit 2

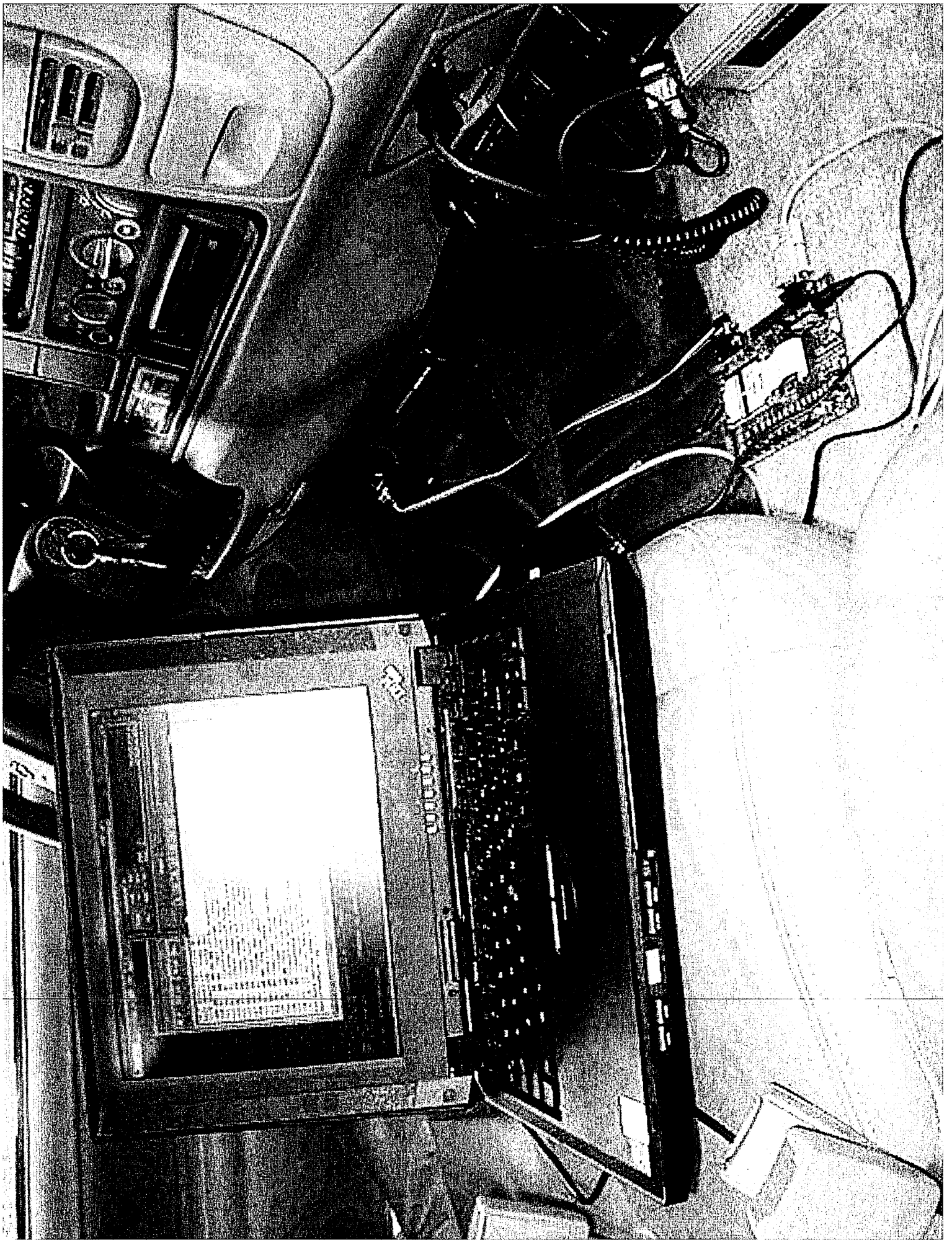


Exhibit 3

From:

1890 P.001/003

From: steve@freyder.net
Return-Path: <steve@freyder.net>
Received: from mail.freyder.net (dt082nfa.san.rr.com [204.210.24.250])
by mail.lightner.net (8.8.7/8.8.6) with SMTP id PAA15533
for <lightner@lightner.net>; 15:10:23 -0800
Received: from freyder.net (frey4150.freydar.net [10.4.0.41])
by mail.freyder.net (8.8.7/8.8.6) with SMTP id PAA13183
for <lightner@lightner.net>; 15:03:01 -0800
Message-ID: <38712C89.45E872D9@freyder.net>

From: "Stephen D. Freyder" <steve@freyder.net>
X-Mailer: Mozilla 4.51 [en] (WinNT; I)
X-Accept-Language: en
MIME-Version: 1.0
To: "Bruce D. Lightner" <lightner@lightner.net>
Subject: Re: Real ODB-II Data
References: <38712478.D3D55DD8@lightner.net>
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit
Status: RO
X-Status:
X-Keywords:
X-UID: 279

The space after the comma wasn't there in the original - but might not matter to
their scraper...

"Bruce D. Lightner" wrote:

```
> Chuck,
>
> I'm now taking data ODB-II data from my 1999 Suburban, sending it via the
> BellSouth network into our IAS gateway, which places it on the Web at the URL:
>
> http://lightner.net/obd
>
> The data should be in the agreed upon data format. Update rate is every two
> minutes.
>
> Here is sample data:
>
> 173000
> 00, 3217029524
> 03, 257
> 04, 2
> 05, 53
> 06, 128
> 07, 128
> 08, 128
> 09, 128
> 0b, 102
> 0c, 0
> 0d, 0
> 0e, 128
> 0f, 59
> 10, 245
> 11, 0
> 12, 4
> 13, 51
> 14, 9088
>
> Bruce
>
> --
> Bruce D. Lightner
> Lightner Engineering
```

From:

#890 P.002/003

v 8551 La Jolla Shores Drive
v La Jolla, California 92037-3044
v Voice: +1-858-551-4011 FAX: +1-858-551-0777
v Home: +1-858-551-0770
v Email: lightner@lightner.net
v URL: <http://www.lightner.net/lightner/bruce/>

Exhibit 4

Network Car Fleet Management Microsoft Internet Explorer

Welcome: Carlos Morales

[Your Car]
Mercury Cougar
1997 - Black
328 KDS

Imagine yourself in a Mercury

Full Diagnostic Checkup

Date	Odometer	Fuel System Status	Calculated Load Value	Engine Coolant Temperature	Short Term Fuel Bank 1	Long Term Fuel Bank 1	Short Term Fuel Bank 2	Long Term Fuel Bank 2	Fuel Pressure	Intake Manifold Pressure	Engine RPM	Vehicle Speed
10:32:00 AM	3620	512	7	195	122	0	0	0	0	36	694	0
10:31:00 AM	3620	512	7	195	127	0	0	0	0	79	2265	23
10:30:00 AM	3620	512	6	195	126	0	0	0	0	89	2621	55
10:29:00 AM	3620	512	12	195	129	0	0	0	0	22	1546	66
10:28:00 AM	3620	512	54	195	136	0	0	0	0	65	1890	72
10:27:00 AM	3618	512	24	195	128	0	0	0	0	42	1768	66
10:26:00 AM	3618	512	22	195	128	0	0	0	0	41	1938	72
10:24:00 AM	3616	512	67	194	120	0	0	0	0	83	1890	70
10:22:00 AM	3614	512	43	195	129	0	0	0	0	73	1943	72
10:21:00 AM	3614	512	43	195	123	0	0	0	0	73	1943	72

PDF Downloads Diagnostic Codes Clear History

Close this window

Done Internet Zone

Exhibit 5

Mobiscan II Prototype

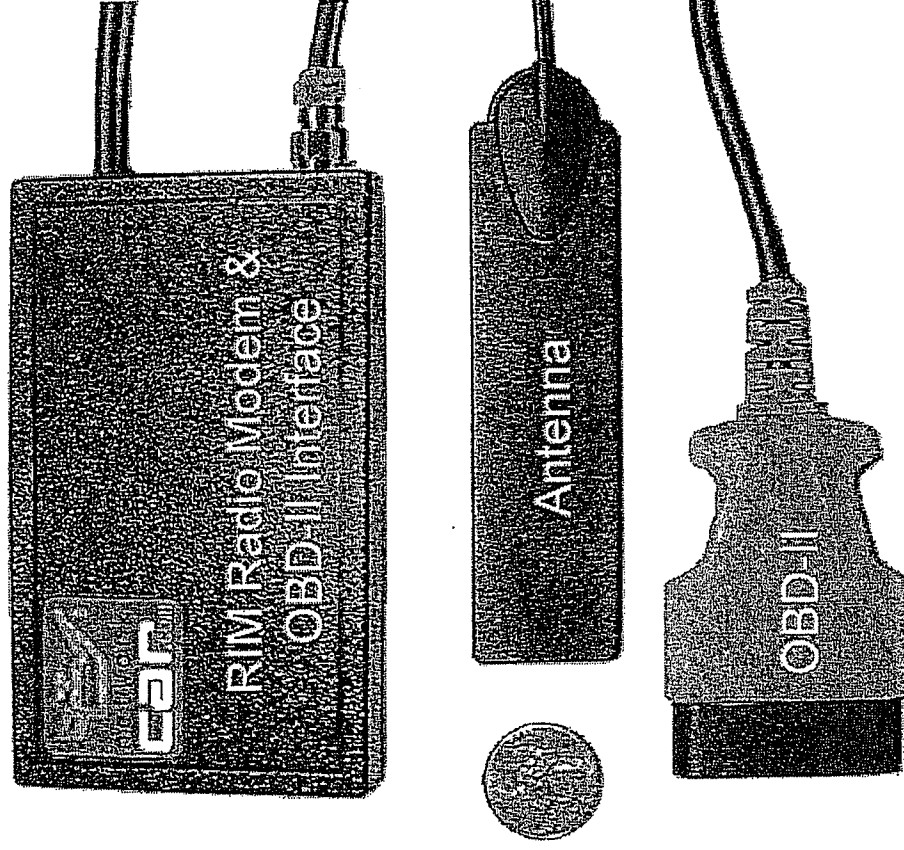
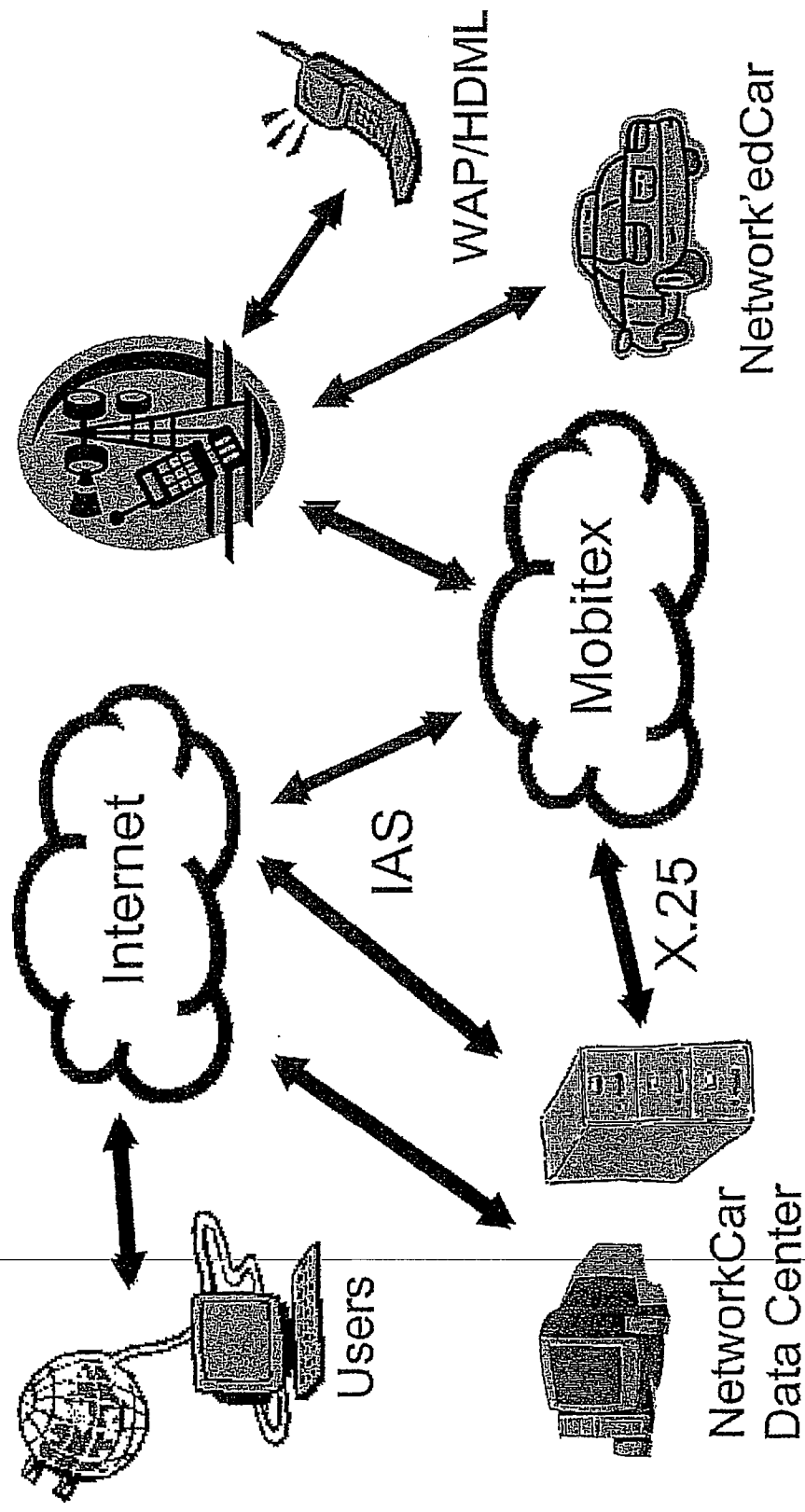


Exhibit 6

NetworkCar and Mobitex



Appendix B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: LOWREY et al.

Group Art Unit: 3661

Application No.: 10/614,665

Examiner: Broadhead, B.

Filed: July 7, 2003

Atty. Docket No.: 0308816.0156

Title: INTERNET-BASED SYSTEM FOR MONITORING VEHICLES

DECLARATION OF APPLICANTS' REPRESENTATIVE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

1. I am over the age of eighteen and competent to make the present Declaration.
2. I have represented and currently represent the assignee for the captioned patent application before the U.S. Patent and Trademark Office.
3. On April 30, 2008, I sent an e-mail to Chuck Myers, who is a named inventor on the captioned application, to his last known e-mail address (chuck@stalero.com). The e-mail included an antedating declaration (Declaration under 37 CFR § 1.131) and supporting exhibits for the captioned application for Mr. Myers review and execution. Exhibit A attached hereto includes a copy of the e-mail and the attachments as sent to Mr. Myers on April 30, 2008.

4. On May 2, 2008, Mr. Myers contacted me by phone to discuss the antedating declaration and other information e-mailed to him on April 30, 2008 (see above - paragraph 3). Mr. Myers told me that he needed to check with someone with respect to executing the declaration and would then get back in touch with me.

5. On May 14, 2008, I sent a follow-up e-mail to Mr. Myers requesting a status update on his review of the antedating declaration and other information e-mailed to him on April 30, 2008 (see above - paragraph 3). I received no response to this follow-up e-mail, a copy of which is attached as Exhibit B.

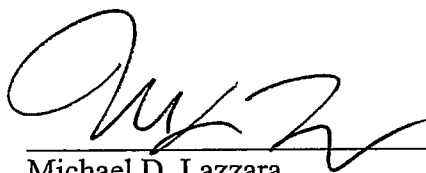
6. On May 30, 2008, I sent an additional follow-up e-mail to Mr. Myers requesting an opportunity to call him to discuss the antedating declaration and other information e-mailed to him on April 30, 2008 (see above - paragraph 3). I received no response to this e-mail, a copy of which is attached as Exhibit C.

7. On June 16, 2008, I called Mr. Myers and left him a voice mail message requesting a status update on his review of the declaration and other information e-mailed to him on April 30, 2008 (see above - paragraph 3). I received no response to this voice mail message.

8. To date I have received no further telephone calls, e-mail correspondence, or other communications from Mr. Myers regarding the antedating declaration and other information e-mailed to him on April 30, 2008 (see above – paragraph 3).

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further

that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.



Michael D. Lazzara
Reg. No. 41,142

7/28/2008

Date

Exhibit A

Steigerwalt, Carole L.

From: Lazzara, Michael
Sent: Wednesday, June 25, 2008 11:50 AM
To: Steigerwalt, Carole L.
Subject: FW: Assistance Requested with Patent Application (K&L Gates File Ref. 0308816.00156)

Attachments: Declaration.pdf

From: Lazzara, Michael
Sent: Wednesday, April 30, 2008 2:41 PM
To: 'chuck@stalero.com'
Subject: Assistance Requested with Patent Application (K&L Gates File Ref. 0308816.00156)

Dear Mr. Myers:

I am a patent attorney working with Hughes Telematics ("HTI") on a patent application in which you are a named inventor.

In connection with preparing a response to certain rejections that the U.S. Patent and Trademark Office has asserted against the application, I was hoping to get your assistance with reviewing and executing the attached declaration. In summary, the declaration provides evidence of how the invention was originally conceived, developed and reduced to practice by you and the other inventors.

If the declaration and attached exhibits are acceptable to you, please sign and date the declaration where indicated and then return it to me via fax (412/355-6501) or e-mail (e.g., scanned into a .pdf).

Also, please feel free to call me with any questions. We look forward to hearing from you.

Thanks.
Mike



Declaration.p
df (2 MB)

Michael D. Lazzara, Esq.
K&L Gates
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312
(412) 355-8994 (voice)
(412) 355-6501 (fax)
michael.lazzara@klgates.com

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For more information about K&L Gates, visit us at www.klgates.com.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3661	:	
	:	
Examiner: Brian J. Broadhead	:	INTERNET-BASED SYSTEM
	:	FOR MONITORING VEHICLES
Applicants: Lowrey et al.	:	
	:	
Serial No.: 10/614,665	:	
	:	
Filing Date: July 7, 2003	:	Confirmation No. 7577
	:	

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

We declare as follows:

1. We are named inventors of the captioned patent application ("Subject Application").
 2. We conceived and reduced to practice the invention described and claimed in the Subject Application prior to May 1, 2000, in association with performing work for NetworkCar.com as employees and/or as independent agents serving as consultants for NetworkCar.com.
-

3. The invention described and claimed in the Subject Application was assigned by us to NetworkCar.com, which assignment was recorded with the United States Patent and Trademark Office on July 7, 2003, at Reel 014273, Frame 0607.

4. In support of the reduction to practice date in paragraph 2, we attach as Exhibit 1 a photograph of an embodiment of the invention installed in a vehicle for collecting and communicating data associated with operation of the vehicle, among other functions.

5. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 2 a photograph of an embodiment of the invention installed and operating in a vehicle and communicating data to a laptop computer system.

6. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 3 an e-mail sent by inventor Bruce Lightner to inventor Chuck Myers describing data collection and data communication in association with operation of certain embodiments of the invention. In particular, the e-mail states that, "I'm now taking ODB-II data from my 1999 Suburban, sending it via the BellSouth network into our IAS gateway, which places it on the Web at the URL: <http://lightner.net/obd>." Although certain dates on the e-mail of Exhibit 3 have been redacted, the data collection and data communication functions of the embodiment of the invention described in the e-mail occurred prior to May 1, 2000. In addition, the e-mail illustrated in Exhibit 3 was generated and sent prior to May 1, 2000.

7. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 4 is a screen capture illustrating a web interface displaying derived diagnostic information (e.g., odometer readings) on a web site dedicated to presenting information associated with a vehicle. Although certain dates on the screen capture of Exhibit 4 have been

redacted, the web interface and web site as shown were incorporated in connection with reduction to practice of the invention prior to May 1, 2000.

8. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 5 an excerpt from a presentation which describes various component aspects of certain embodiments of the invention described and claimed in the Subject Application. In particular, Exhibit 5 includes photographs of (1) a RIM radio modem and OBD-II interface; (2) an antenna; and (3) an OBD-II connector, each of which may be employed as components of certain embodiments of the invention. Although the date on the presentation has been redacted, the components depicted in Exhibit 5 were implemented as part of a "Mobiscan II" embodiment of the invention reduced to practice prior to May 1, 2000.

9. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 6 an excerpt from a presentation which illustrates various aspects of certain embodiments of the invention described and claimed in the Subject Application. In particular, Exhibit 6 includes a schematic architecture diagram illustrating various communication aspects of certain embodiments of the invention. Although the date on the excerpt has been redacted, the illustrated communications architecture was employed in connection with reduction to practice of the invention prior to May 1, 2000.

10. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Larkin Hill Lowrey

Date _____

Matthew J. Banet

Date _____

Bruce Lightner

Date _____

Diego Borrego

Date _____

Chuck Myers

Date _____

Exhibit 1

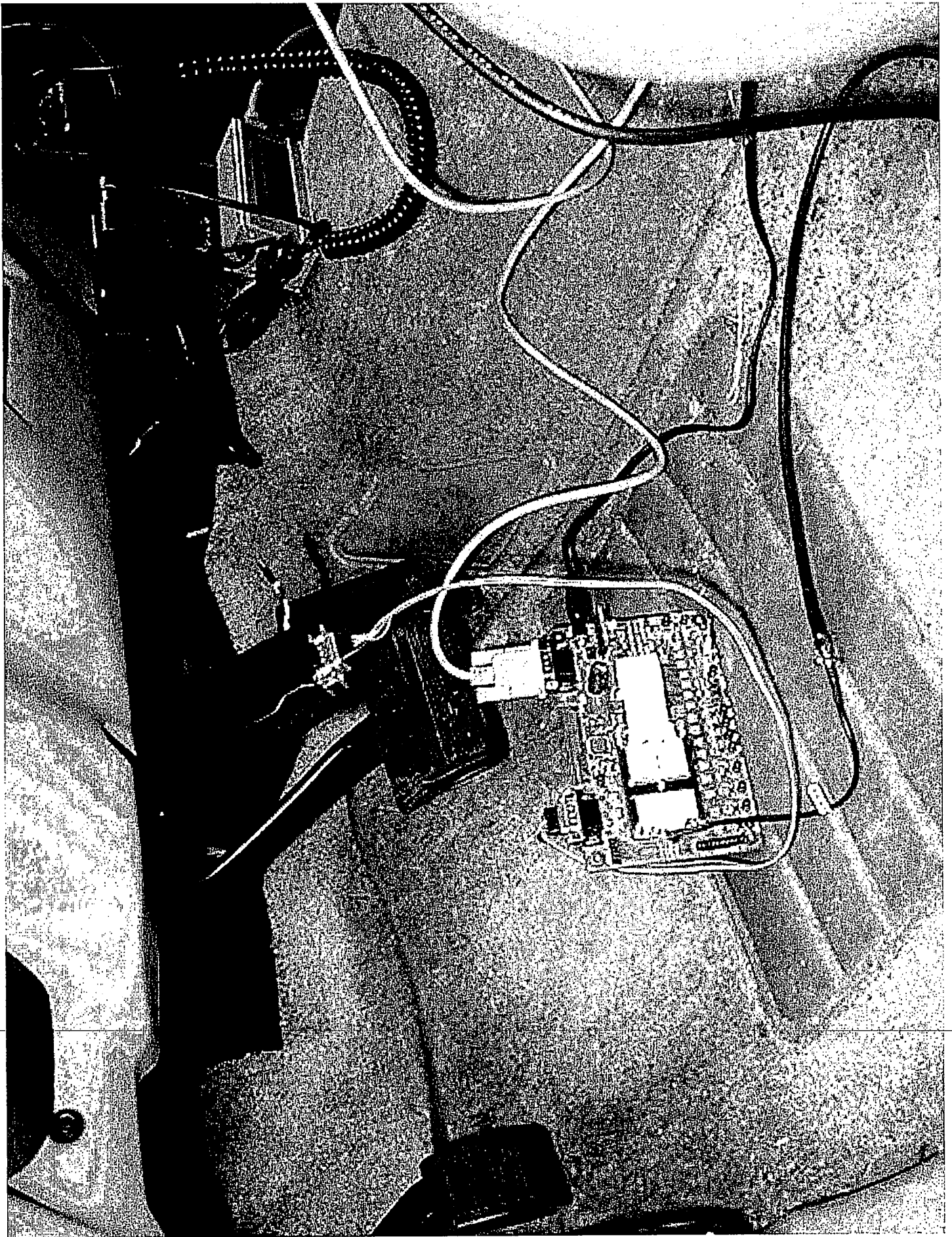


Exhibit 2



Exhibit 3

From:

1890 P.001/003

From: steve@freyder.net
Return-Path: <steve@freyder.net>
Received: from mail.freyder.net (dt082nfa.san.rr.com [204.210.24.250])
by mail.lightner.net (8.8.7/8.8.6) with ESMTP id PAA15533
for <lightner@lightner.net>; 15:10:23 -0800
Received: from freyder.net (frey4150.freyder.net [10.4.0.41])
by mail.freyder.net (8.8.7/8.8.6) with ESMTP id PAA13183
for <lightner@lightner.net>; 15:03:01 -0800
Message-ID: <38712CA9.45E872D9@freyder.net>

From: "Stephen D. Freyder" <steve@freyder.net>
X-Mailer: Mozilla 4.51 [en] (WinNT; I)
X-Accept-Language: en
MIME-Version: 1.0
To: "Bruce D. Lightner" <lightner@lightner.net>
Subject: Re: Real ODB-II Data
References: <3871247B.D3D65DD8@lightner.net>
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit
Status: RO
X-Status:
X-Keywords:
X-UID: 279

The space after the comma wasn't there in the original - but might not matter to
their scraper...

"Bruce D. Lightner" wrote:

```
> Chuck,
>
> I'm now taking data ODB-II data from my 1999 Suburban, sending it via the
> BellSouth network into our IAS gateway, which places it on the Web at the URL:
>
>   http://lightner.net/odb
>
> The data should be in the agreed upon data format. Update rate is every two
> minutes.
>
> Here is sample data:
>
>           173000
> 00, 3217029524
> 03, 257
> 04, 2
> 05, 53
> 06, 128
> 07, 128
> 08, 128
> 09, 128
> 0b, 102
> 0c, 0
> 0d, 0
> 0e, 128
> 0f, 59
> 10, 245
> 11, 0
> 12, 4
> 13, 51
> 14, 9088
>
> Bruce
>
> --
> Bruce D. Lightner
> Lightner Engineering
```

From:

#890 P.002/003

> 8551 La Jolla Shores Drive
> La Jolla, California 92037-3044
> Voice: +1-858-551-4011 FAX: +1-858-551-0777
> Home: +1-858-551-0770
> Email: lightner@lightner.net
> URL: <http://www.lightner.net/lightner/bruce/>

Exhibit 4

Network Car Fleet Management - Microsoft Internet Explorer

Welcome: Carlos Morales

[Your Car]
Mercury Cougar
1997 - Black
320 KDS

Imagine yourself in a Mercury

Full Diagnostic Checkup

Date	Odometer	Fuel System Status	Calculated Load Value	Engine Coolant Temperature	Short Term Fuel Bank 1	Long Term Fuel Bank 1	Short Term Fuel Bank 2	Long Term Fuel Bank 2	Fuel Pressure	Intake Manifold Pressure	Engine RPM	Vehicle Speed
10:32:00 AM	3620	512	7	195	122	0	0	0	0	36	694	0
10:31:00 AM	3620	512	7	195	127	0	0	0	0	79	2265	23
10:30:00 AM	3620	512	6	195	126	0	0	0	0	89	2621	55
10:29:00 AM	3620	512	12	195	129	0	0	0	0	22	1546	66
10:28:00 AM	3620	512	54	195	136	0	0	0	0	65	1890	72
10:27:00 AM	3618	512	24	195	129	0	0	0	0	42	1768	66
10:26:00 AM	3618	512	22	195	128	0	0	0	0	41	1938	72
10:24:00 AM	3616	512	67	194	120	0	0	0	0	83	1890	70
10:22:00 AM	3614	512	43	195	123	0	0	0	0	73	1943	72
10:21:00 AM	3614	512	43	195	123	0	0	0	0	73	1943	72

PDF Downloads Diagnostic Codes Clear History

Close this window

Exhibit 5

Mobiscan II Prototype

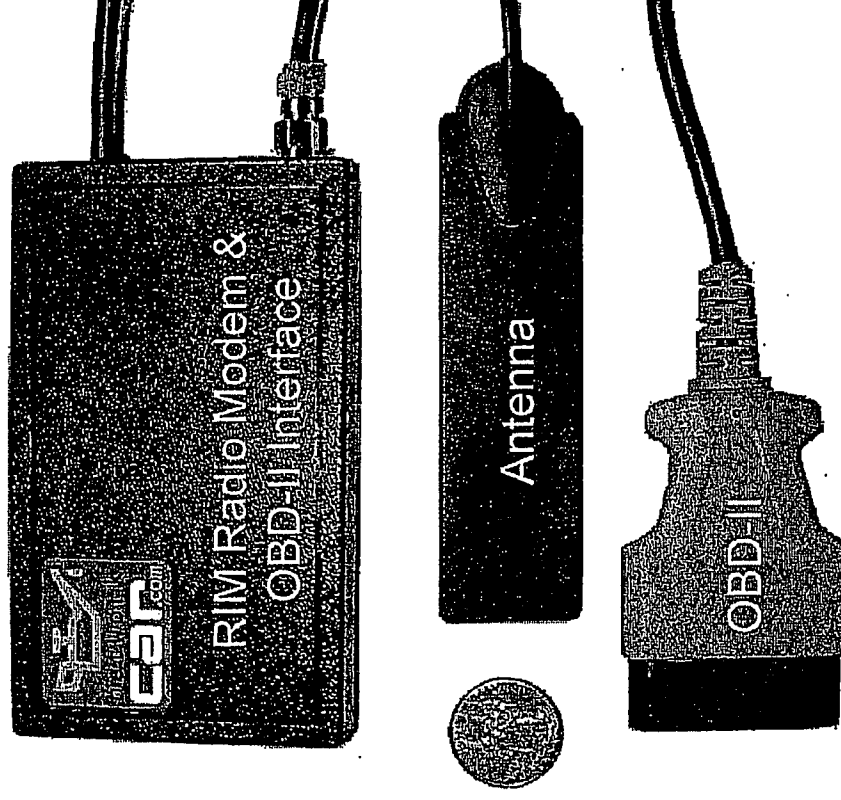


Exhibit 6

NetworkCar and Mobitex

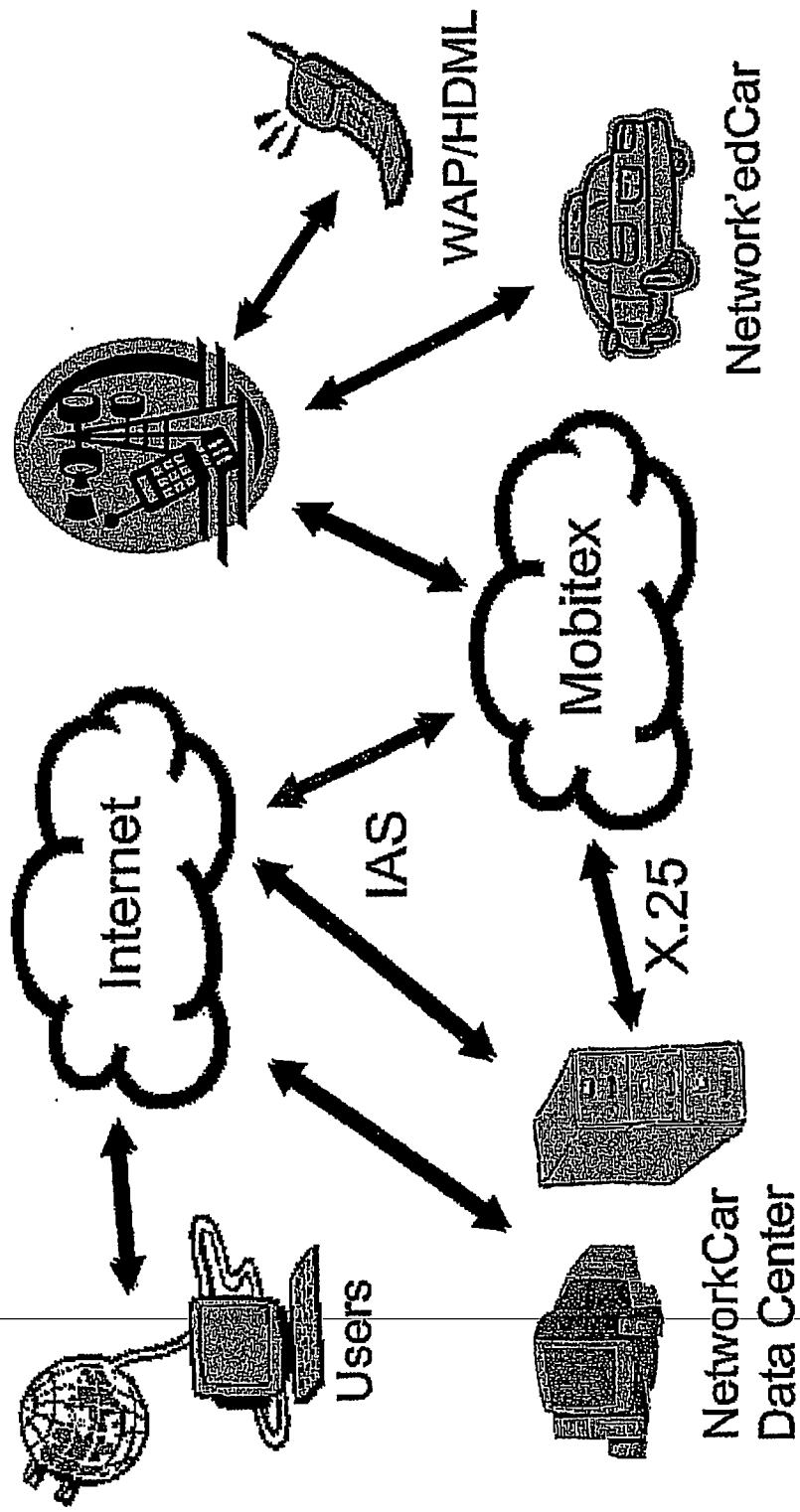


Exhibit B

Steigerwalt, Carole L.

From: Lazzara, Michael
Sent: Wednesday, May 14, 2008 5:16 PM
To: 'chuck@stalero.com'
Subject: FW: Assistance Requested with Patent Application (K&L Gates File Ref. 0308816.00156)

Attachments: Declaration.pdf

Hi, Chuck,

Just following up on the telephone conversation we had the week before last regarding the attached declaration. At the time you had mentioned wanting to make a call concerning the declaration.

I wanted to check back to see if you now have the information you need - feel free to call me to discuss. I look forward to hearing from you.

Thanks.
Mike

Michael D. Lazzara, Esq.
K&L Gates
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312
(412) 355-8994 (voice)
(412) 355-6501 (fax)
michael.lazzara@klgates.com

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From: Lazzara, Michael
Sent: Wednesday, April 30, 2008 2:41 PM
To: 'chuck@stalero.com'
Subject: Assistance Requested with Patent Application (K&L Gates File Ref. 0308816.00156)

Dear Mr. Myers:

I am a patent attorney working with Hughes Telematics ("HTI") on a patent application in which you are a named inventor.

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Also, please feel free to call me with any questions. We look forward to hearing from you.

Thanks.
Mike



Declaration.p
df (2 MB)

Michael D. Lazzara, Esq.
K&L Gates
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312
(412) 355-8994 (voice)
(412) 355-6501 (fax)
michael.lazzara@klgates.com

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For more information about K&L Gates, visit us at www.klgates.com.

Exhibit C

Steigerwalt, Carole L.

From: Lazzara, Michael
Sent: Friday, May 30, 2008 9:37 AM
To: 'chuck@stalero.com'
Subject: FW: Assistance Requested with Patent Application (K&L Gates File Ref. 0308816.00156)
Attachments: Declaration.pdf

Chuck,

Checking in again - can I give you a call sometime in the next few days to discuss this?

We're under some time pressure to file a response (including the executed declaration) with the patent office.

Thanks.
Mike

Michael D. Lazzara, Esq.
K&L Gates
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312
(412) 355-8994 (voice)
(412) 355-6501 (fax)
michael.lazzara@klgates.com

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Sent: Wednesday, May 14, 2008 5:16 PM
To: 'chuck@stalero.com'
Subject: FW: Assistance Requested with Patent Application (K&L Gates File Ref. 0308816.00156)

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I wanted to check back to see if you now have the information you need - feel free to call me to discuss. I look forward to hearing from you.

Thanks.
Mike

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Thanks.
Mike



Declaration.p
df (2 MB)

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ATTACHMENT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3661	:	
	:	
Examiner: Brian J. Broadhead	:	INTERNET-BASED SYSTEM
	:	FOR MONITORING VEHICLES
Applicants: Lowrey et al.	:	
	:	
Serial No.: 10/614,665	:	
	:	
Filing Date: July 7, 2003	:	Confirmation No. 7577
	:	

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

We declare as follows:

1. We are named inventors of the captioned patent application ("Subject Application").
 2. We conceived and reduced to practice the invention described and claimed in the Subject Application prior to May 1, 2000, in association with performing work for NetworkCar.com as employees and/or as independent agents serving as consultants for NetworkCar.com.
-

3. The invention described and claimed in the Subject Application was assigned by us to NetworkCar.com, which assignment was recorded with the United States Patent and Trademark Office on July 7, 2003, at Reel 014273, Frame 0607.

4. In support of the reduction to practice date in paragraph 2, we attach as Exhibit 1 a photograph of an embodiment of the invention installed in a vehicle for collecting and communicating data associated with operation of the vehicle, among other functions.

5. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 2 a photograph of an embodiment of the invention installed and operating in a vehicle and communicating data to a laptop computer system.

6. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 3 an e-mail sent by inventor Bruce Lightner to inventor Chuck Myers describing data collection and data communication in association with operation of certain embodiments of the invention. In particular, the e-mail states that, "I'm now taking OBD-II data from my 1999 Suburban, sending it via the BellSouth network into our IAS gateway, which places it on the Web at the URL: <http://lightner.net/obd>." Although certain dates on the e-mail of Exhibit 3 have been redacted, the data collection and data communication functions of the embodiment of the invention described in the e-mail occurred prior to May 1, 2000. In addition, the e-mail illustrated in Exhibit 3 was generated and sent prior to May 1, 2000.

7. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 4 is a screen capture illustrating a web interface displaying derived diagnostic information (e.g., odometer readings) on a web site dedicated to presenting information associated with a vehicle. Although certain dates on the screen capture of Exhibit 4 have been

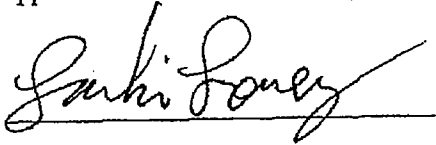
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Atty. Docket No. 0308816.0156

10. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.


Larkin Hill Lowrey

Date July 18, 2007

Matthew J. Banet

Date _____

Bruce Lightner

Date _____

Diego Borrego

Date _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3661	:	
	:	
Examiner: Brian J. Broadhead	:	INTERNET-BASED SYSTEM
	:	FOR MONITORING VEHICLES
Applicants: Lowery et al.	:	
	:	
Serial No.: 10/614,665	:	
	:	
Filing Date: July 7, 2003	:	Confirmation No. 7577
	:	

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6. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 3 an e-mail sent by inventor Bruce Lightner to inventor Chuck Myers describing data collection and data communication in association with operation of certain embodiments of the invention. In particular, the e-mail states that, "I'm now taking ODB-II data from my 1999 Suburban, sending it via the BellSouth network into our IAS gateway, which places it on the Web at the URL: <http://lightner.net/obd>." Although certain dates on the e-mail of Exhibit 3 have been redacted, the data collection and data communication functions of the embodiment of the invention described in the e-mail occurred prior to May 1, 2000. In addition, the e-mail illustrated in Exhibit 3 was generated and sent prior to May 1, 2000.

7. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 4 is a screen capture illustrating a web interface displaying derived diagnostic information (e.g., odometer readings) on a web site dedicated to presenting information associated with a vehicle. Although certain dates on the screen capture of Exhibit 4 have been

redacted, the web interface and web site as shown were incorporated in connection with reduction to practice of the invention prior to May 1, 2000.

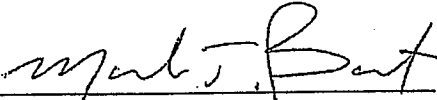
8. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 5 an excerpt from a presentation which describes various component aspects of certain embodiments of the invention described and claimed in the Subject Application. In particular, Exhibit 5 includes photographs of (1) a RIM radio modem and OBD-II interface; (2) an antenna; and (3) an OBD-II connector, each of which may be employed as components of certain embodiments of the invention. Although the date on the presentation has been redacted, the components depicted in Exhibit 5 were implemented as part of a "Mobiscan II" embodiment of the invention reduced to practice prior to May 1, 2000.

9. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 6 an excerpt from a presentation which illustrates various aspects of certain embodiments of the invention described and claimed in the Subject Application. In particular, Exhibit 6 includes a schematic architecture diagram illustrating various communication aspects of certain embodiments of the invention. Although the date on the excerpt has been redacted, the illustrated communications architecture was employed in connection with reduction to practice of the invention prior to May 1, 2000.

10. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Larkin Hill Lowery

Date_____



Matthew J. Banet

Date 9-17-07

Bruce Lightner

Date_____

Diego Borrego

Date_____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3661	:	
	:	
Examiner: Brian J. Broadhead	:	INTERNET-BASED SYSTEM
	:	FOR MONITORING VEHICLES
Applicants: Lowrey et al.	:	
	:	
Serial No.: 10/614,665	:	
	:	
Filing Date: July 7, 2003	:	Confirmation No. 7577
	:	

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

We declare as follows:

1. We are named inventors of the captioned patent application ("Subject Application").
 2. We conceived and reduced to practice the invention described and claimed in the Subject Application prior to May 1, 2000, in association with performing work for NetworkCar.com as employees and/or as independent agents serving as consultants for NetworkCar.com.
-

3. The invention described and claimed in the Subject Application was assigned by us to NetworkCar.com, which assignment was recorded with the United States Patent and Trademark Office on July 7, 2003, at Reel 014273, Frame 0607.

4. In support of the reduction to practice date in paragraph 2, we attach as Exhibit 1 a photograph of an embodiment of the invention installed in a vehicle for collecting and communicating data associated with operation of the vehicle, among other functions.

5. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 2 a photograph of an embodiment of the invention installed and operating in a vehicle and communicating data to a laptop computer system.

6. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 3 an e-mail sent by inventor Bruce Lightner to inventor Chuck Myers describing data collection and data communication in association with operation of certain embodiments of the invention. In particular, the e-mail states that, "I'm now taking OBD-II data from my 1999 Suburban, sending it via the BellSouth network into our IAS gateway, which places it on the Web at the URL: <http://lightner.net/obd>." Although certain dates on the e-mail of Exhibit 3 have been redacted, the data collection and data communication functions of the embodiment of the invention described in the e-mail occurred prior to May 1, 2000. In addition, the e-mail illustrated in Exhibit 3 was generated and sent prior to May 1, 2000.

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10. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Larkin Hill Lowrey

Date _____

Matthew J. Banet

Date _____


Bruce Lightner

Date 7/23/2007

Diego Borrego

Date _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3661	:	
	:	
Examiner: Brian J. Broadhead	:	INTERNET-BASED SYSTEM
	:	FOR MONITORING VEHICLES
Applicants: Lowrey et al.	:	
	:	
Serial No.: 10/614,665	:	
	:	
Filing Date: July 7, 2003	:	Confirmation No. 7577
	:	

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

We declare as follows:

1. We are named inventors of the captioned patent application ("Subject Application").
 2. We conceived and reduced to practice the invention described and claimed in the Subject Application prior to May 1, 2000, in association with performing work for NetworkCar.com as employees and/or as independent agents serving as consultants for NetworkCar.com.
-

3. The invention described and claimed in the Subject Application was assigned by us to NetworkCar.com, which assignment was recorded with the United States Patent and Trademark Office on July 7, 2003, at Reel 014273, Frame 0607.

4. In support of the reduction to practice date in paragraph 2, we attach as Exhibit 1 a photograph of an embodiment of the invention installed in a vehicle for collecting and communicating data associated with operation of the vehicle, among other functions.

5. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 2 a photograph of an embodiment of the invention installed and operating in a vehicle and communicating data to a laptop computer system.

6. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 3 an e-mail sent by inventor Bruce Lightner to inventor Chuck Myers describing data collection and data communication in association with operation of certain embodiments of the invention. In particular, the e-mail states that, "I'm now taking ODB-II data from my 1999 Suburban, sending it via the BellSouth network into our IAS gateway, which places it on the Web at the URL: <http://lightner.net/obd>." Although certain dates on the e-mail of Exhibit 3 have been redacted, the data collection and data communication functions of the embodiment of the invention described in the e-mail occurred prior to May 1, 2000. In addition, the e-mail illustrated in Exhibit 3 was generated and sent prior to May 1, 2000.

7. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 4 is a screen capture illustrating a web interface displaying derived diagnostic information (e.g., odometer readings) on a web site dedicated to presenting information associated with a vehicle. Although certain dates on the screen capture of Exhibit 4 have been

redacted, the web interface and web site as shown were incorporated in connection with reduction to practice of the invention prior to May 1, 2000.

8. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 5 an excerpt from a presentation which describes various component aspects of certain embodiments of the invention described and claimed in the Subject Application. In particular, Exhibit 5 includes photographs of (1) a RIM radio modem and OBD-II interface; (2) an antenna; and (3) an OBD-II connector, each of which may be employed as components of certain embodiments of the invention. Although the date on the presentation has been redacted, the components depicted in Exhibit 5 were implemented as part of a "Mobiscan II" embodiment of the invention reduced to practice prior to May 1, 2000.

9. In further support of the reduction to practice date in paragraph 2, we attach as Exhibit 6 an excerpt from a presentation which illustrates various aspects of certain embodiments of the invention described and claimed in the Subject Application. In particular, Exhibit 6 includes a schematic architecture diagram illustrating various communication aspects of certain embodiments of the invention. Although the date on the excerpt has been redacted, the illustrated communications architecture was employed in connection with reduction to practice of the invention prior to May 1, 2000.

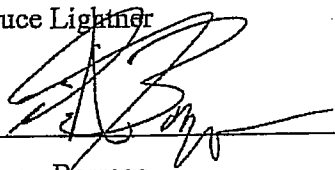
10. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Larkin Hill Lowrey

Date _____

Matthew J. Banet

Date _____

Bruce Lightner


Diego Borrego

Date _____

Date 8/1/2007

Exhibit 1

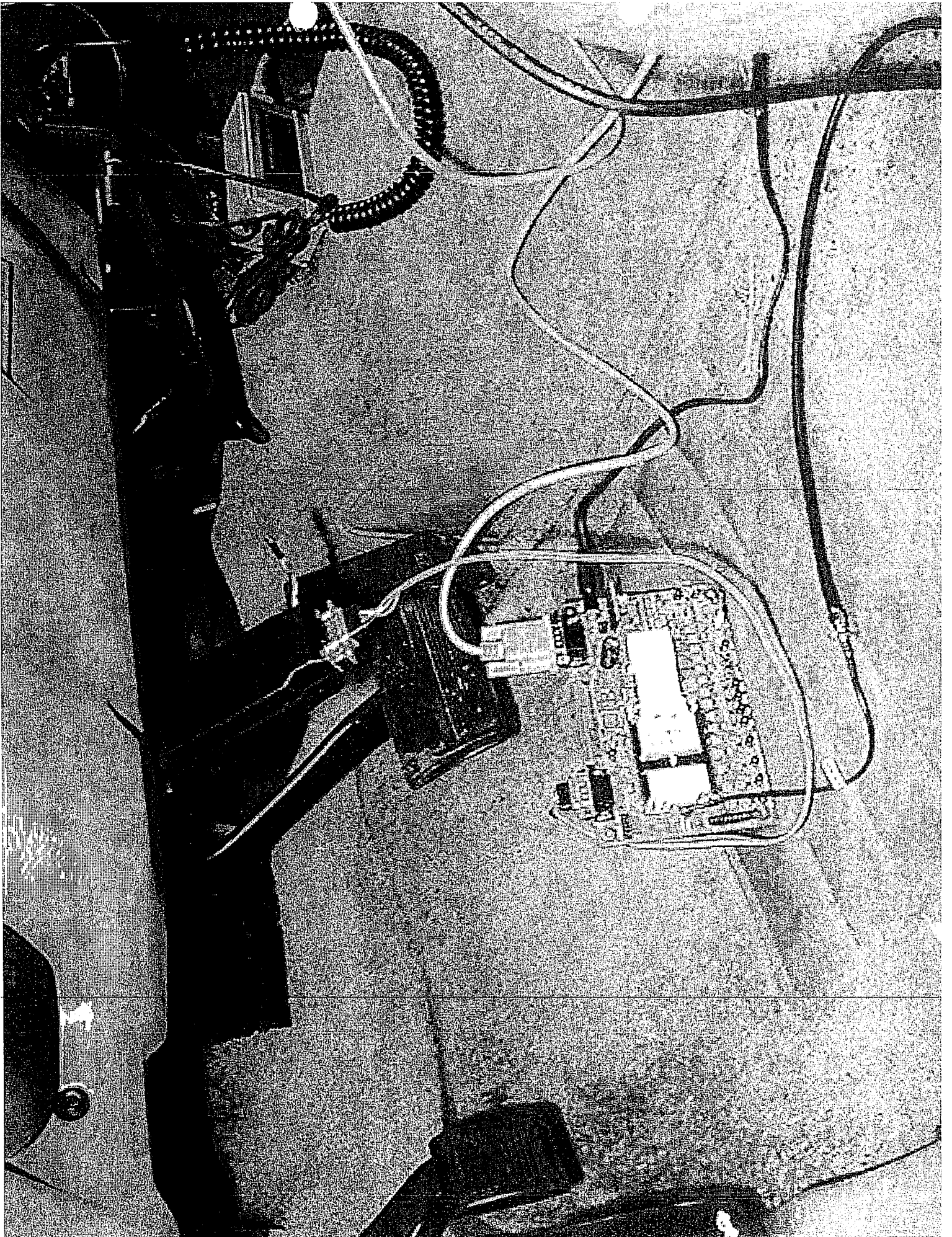


Exhibit 2

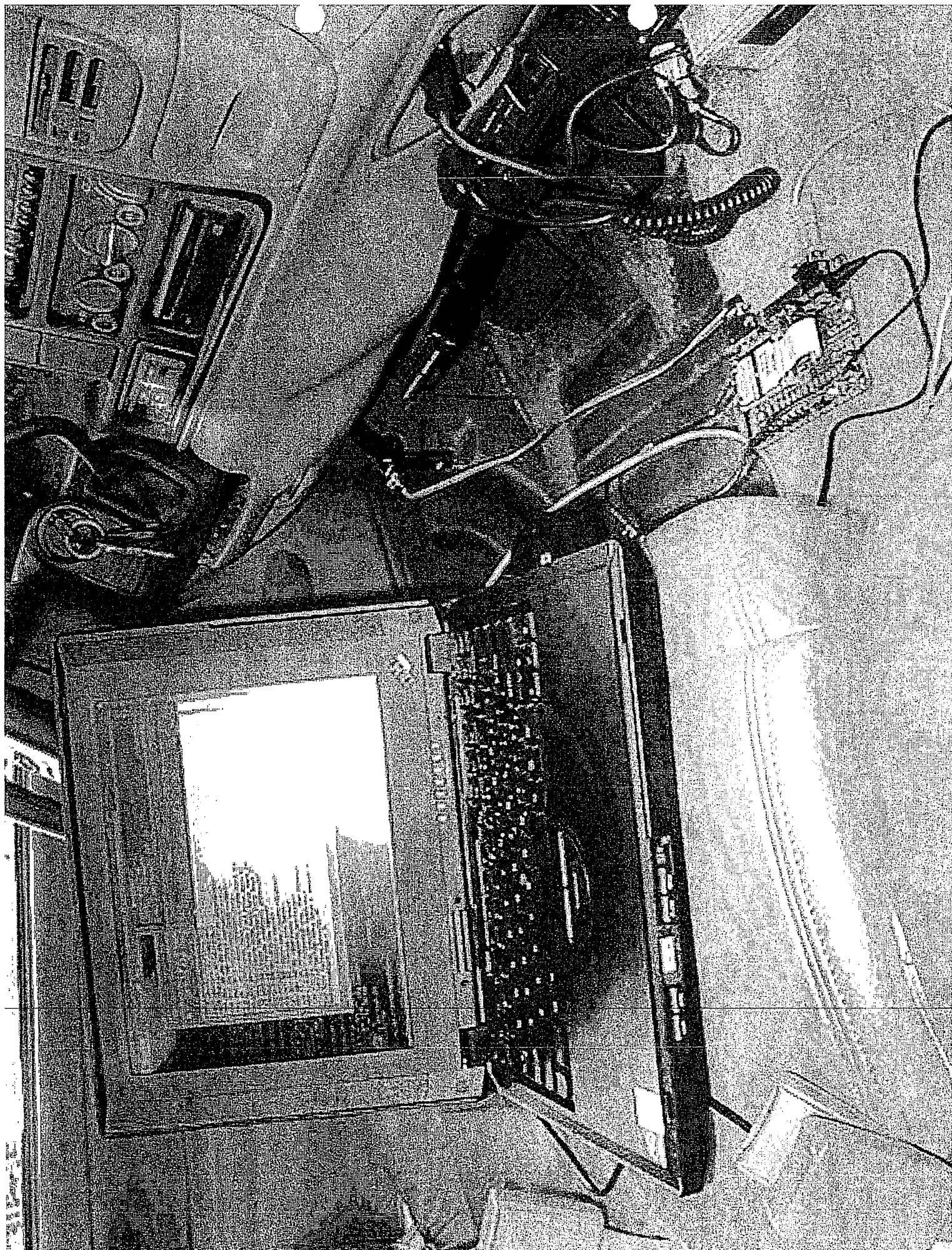


Exhibit 3

From:

#890 P.001/003

From: steve@freyder.net
Return-Path: <steve@freyder.net>
Received: from mail.freyder.net (dt082nfa.san.rr.com [204.210.24.250])
by mail.lightner.net (8.8.7/8.8.6) with SMTP id PAA15533
for <lightner@lightner.net>; 15:10:23 -0800
Received: from freyder.net (frey4150.freyder.net [10.4.0.41])
by mail.freyder.net (8.8.7/8.8.6) with SMTP id PAA13183
for <lightner@lightner.net>; 15:03:01 -0800
Message-ID: <38712CA9.45E872D9@freyder.net>

From: "Stephen D. Freyder" <steve@freyder.net>
X-Mailer: Mozilla 4.61 [en] (WinNT; I)
X-Accept-Language: en
MIME-Version: 1.0
To: "Bruce D. Lightner" <lightner@lightner.net>
Subject: Re: Real ODB-II Data
References: <38712473.D3065DD8@lightner.net>
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit
Status: RO
X-Status:
X-Keywords:
X-UID: 279

The space after the comma wasn't there in the original - but might not matter to their scraper...

"Bruce D. Lightner" wrote:

> Chuck,
>
> I'm now taking data ODB-II data from my 1999 Suburban, sending it via the
> BellSouth network into our IAS gateway, which places it on the Web at the URL:
>
> http://lightner.net/obd
>
> The data should be in the agreed upon data format. Update rate is every two
> minutes.
>
> Here is sample data:
>
> 173000
> 00, 3217029524
> 03, 257
> 04, 2
> 05, 53
> 06, 128
> 07, 128
> 08, 128
> 09, 128
> 0b, 102
> 0c, 0
> 0d, 0
> 0e, 128
> 0f, 59
> 10, 245
> 11, 0
> 12, 4
> 13, 51
> 14, 9088
>
> Bruce
>
> --
> Bruce D. Lightner
> Lightner Engineering

From:

#890 P.002/003

> 8551 La Jolla Shores Drive
> La Jolla, California 92037-3044
> Voice: +1-858-551-4011 FAX: +1-858-551-0777
> Home: +1-858-551-0770
> Email: lightner@lightner.net
> URL: <http://www.lightner.net/lightner/bruce/>

Exhibit 4

Network Car Fleet Management - Microsoft Internet Explorer

Welcome: Carlos Morales

[Your Car]
Mercury Cougar
1997 - Black
320 KDS

Imagine yourself in a Mercury

Full Diagnostic Checkup

Date	Odometer	Fuel System Status	Calculated Load Value	Engine Coolant Temperature	Short Term Fuel Bank 1	Long Term Fuel Bank 1	Short Term Fuel Bank 2	Long Term Fuel Bank 2	Fuel Pressure	Intake Manifold Pressure	Engine RPM	Vehicle Speed
10:32:00 AM	3620	512	7	195	122	0	0	0	0	35	694	0
10:31:00 AM	3620	512	7	195	127	0	0	0	0	79	2265	23
10:30:00 AM	3620	512	6	195	126	0	0	0	0	89	2621	55
10:29:00 AM	3620	512	12	195	129	0	0	0	0	22	1546	66
10:28:00 AM	3620	512	54	195	136	0	0	0	0	65	1890	72
10:27:00 AM	3618	512	24	195	128	0	0	0	0	42	1768	66
10:26:00 AM	3618	512	22	195	128	0	0	0	0	41	1938	72
10:24:00 AM	3616	512	67	194	120	0	0	0	0	83	1890	70
10:22:00 AM	3614	512	43	195	123	0	0	0	0	73	1943	72
10:21:00 AM	3614	512	43	195	123	0	0	0	0	73	1943	72

PDF Downloads Diagnostic Codes Clear History

Close this window

Done Internet zone

Exhibit 5

Mobiscan II Prototype

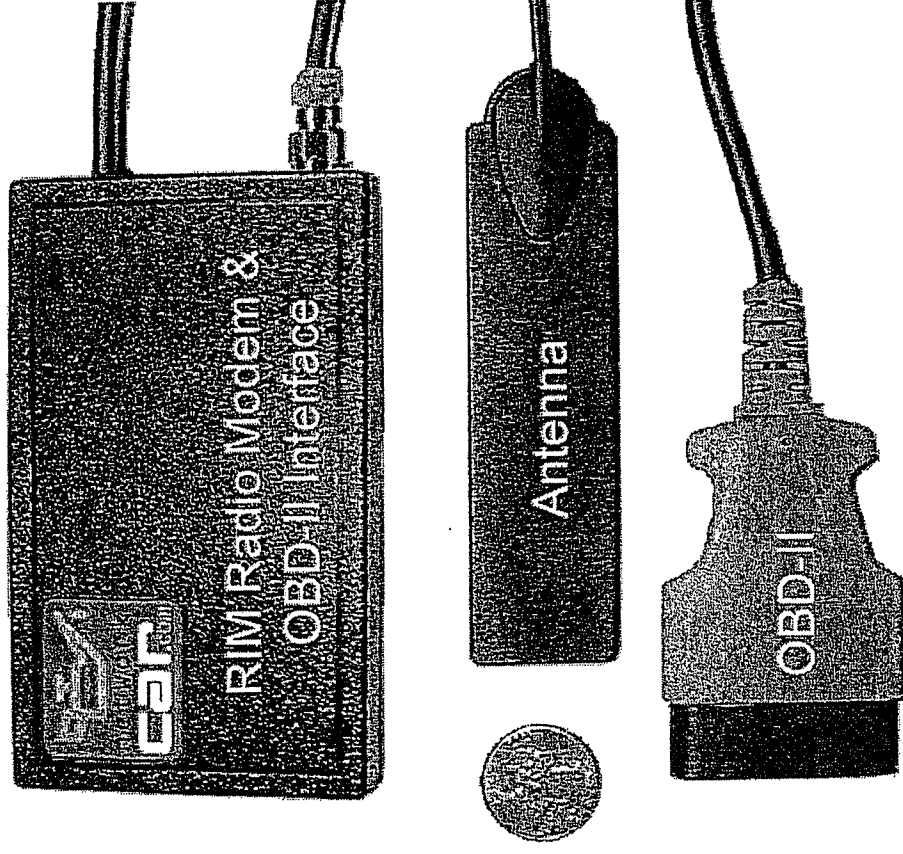
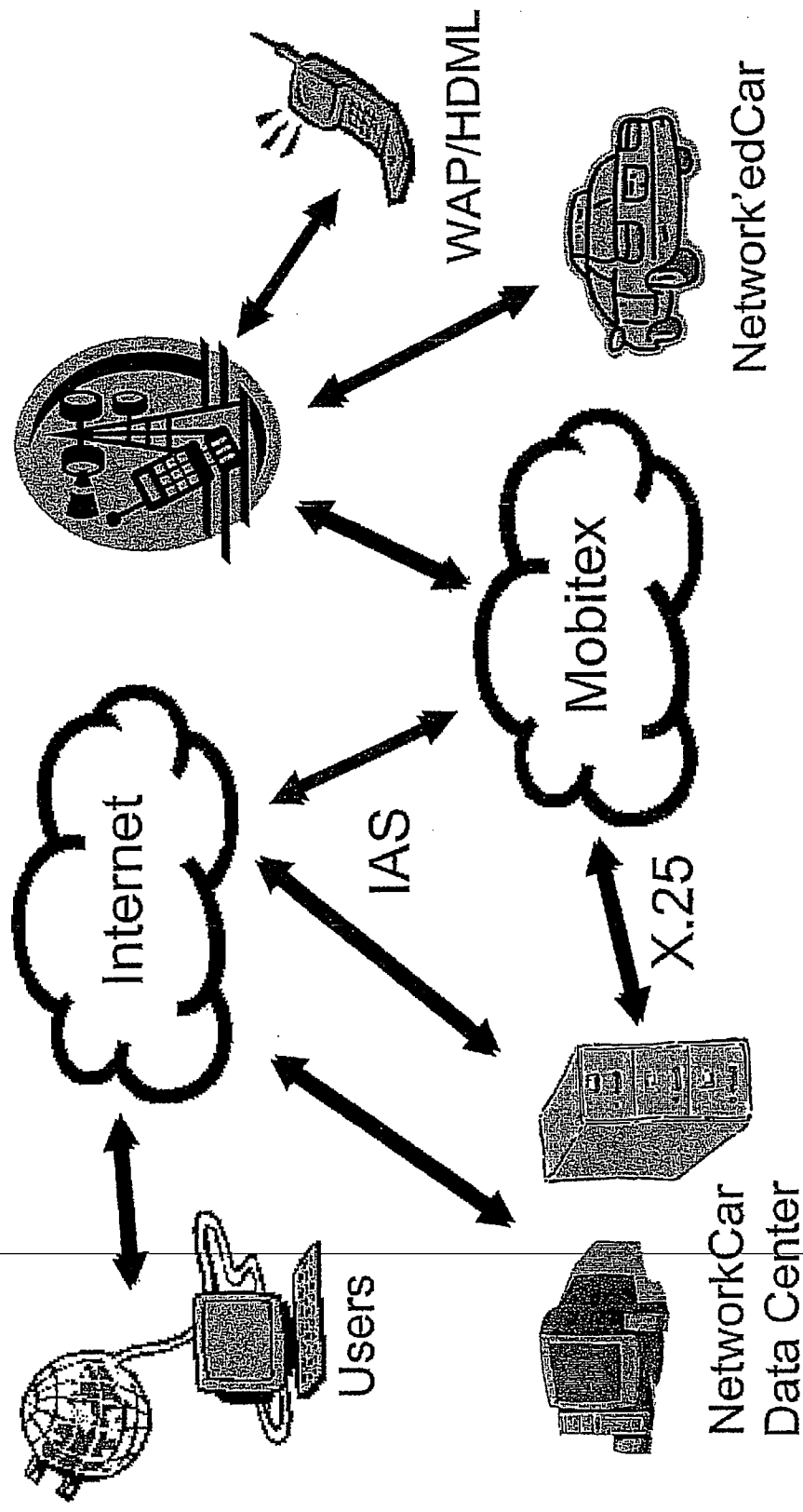


Exhibit 6

NetworkCar and Mobitex



ATTACHMENT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3661	:	
Examiner: Brian J. Broadhead	:	INTERNET-BASED SYSTEM
Applicants: Lowrey et al.	:	FOR MONITORING VEHICLES
Serial No.: 10/614,665	:	
Filing Date: July 7, 2003	:	Confirmation No. 7577

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

I declare as follows:

1. I am an officer of HTI IP, LLC, assignee of the captioned patent application ("Subject Application") by virtue of an assignment of the invention described and claimed in the Subject Application by named inventors Larkin Hill Lowrey, Matthew J. Banet, Bruce Lightner, Diego Borrego, and Chuck Myers to NetworkCar.com (recorded on July 7, 2005 at Reel 014273, Frame 0607); a name change from NetworkCar.com to NetworkCar, Inc. (see Exhibit 1 – Certificate of Amendment); an assignment from NetworkCar, Inc. to Reynolds and Reynolds Holdings, Inc. (recorded on July 7, 2003, at Reel 014273, Frame 0486); and, an assignment from Reynolds and Reynolds Holdings, Inc. to HTI IP, LLC (recorded on August 14,

2006, at Reel 018099, Frame 0590). In connection with this Declaration, attached as Exhibit 2 is a copy of an executed 3.73(b) statement for the Subject Application.

2. The named inventors conceived and reduced to practice the invention described and claimed in the Subject Application prior to May 1, 2000, in association with performing work for NetworkCar.com as employees and/or as independent consultants.

3. In support of the reduction to practice date in paragraph 2, attached as Exhibit 3 is a photograph of an embodiment of the invention installed in a vehicle for collecting and communicating data associated with operation of the vehicle, among other functions.

4. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 4 is a photograph of an embodiment of the invention installed and operating in a vehicle and communicating data to a laptop computer system.

5. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 5 is an e-mail sent by inventor Bruce Lightner to inventor Chuck Myers describing data collection and data communication in association with operation of certain embodiments of the invention. In particular, the e-mail states that, "I'm now taking ODB-II data from my 1999 Suburban, sending it via the BellSouth network into our IAS gateway, which places it on the Web at the URL: <http://lightner.net/obd>." Although certain dates on the e-mail of Exhibit 5 have been redacted, the data collection and data communication functions of the embodiment of the invention described in the e-mail occurred prior to May 1, 2000. In addition, the e-mail illustrated in Exhibit 5 was generated and sent prior to May 1, 2000.


6. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 6 is a screen capture illustrating a web interface displaying derived diagnostic information (e.g., odometer readings) on a web site dedicated to presenting information

associated with a vehicle. Although certain dates on the screen capture of Exhibit 6 have been redacted, the web interface and web site as shown were incorporated in connection with reduction to practice of the invention prior to May 1, 2000.

7. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 7 is an excerpt from a presentation which describes various component aspects of certain embodiments of the invention described and claimed in the Subject Application. In particular, Exhibit 7 includes photographs of (1) a RIM radio modem and OBD-II interface; (2) an antenna; and (3) an OBD-II connector, each of which may be employed as components of certain embodiments of the invention. Although the date on the presentation has been redacted, the components depicted in Exhibit 7 were implemented as part of a "Mobiscan II" embodiment of the invention reduced to practice prior to May 1, 2000.

8. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 8 is an excerpt from a presentation which illustrates various aspects of certain exemplary embodiments of the invention described and claimed in the Subject Application. In particular, Exhibit 8 includes a schematic architecture diagram illustrating various communication aspects of certain embodiments of the invention. Although the date on the excerpt has been redacted, the illustrated communications architecture was employed in connection with reduction to practice of the invention prior to May 1, 2000.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.


Name: Eric C. Berkobin

Date 9/17/07

Authorized Member
Title
HTI IP, LLC

Exhibit 1

**CERTIFICATE OF AMENDMENT OF
RESTATED CERTIFICATE OF INCORPORATION
OF NETWORKCAR.COM, INC.,
a Delaware Corporation**

NetworkCar.com, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), does hereby certify:

ONE: That resolutions were duly adopted by the Board of Directors of the Corporation setting forth proposed amendments to the Restated Certificate of Incorporation of the Corporation, and declaring said amendments to be advisable and recommended for approval by the stockholders of the Corporation, and that such resolutions provide that:

(a) The title of the Restated Certificate of Incorporation of the Corporation shall be amended and restated to read in full as "Restated Certificate of Incorporation of NetworkCar, Inc."; and

(b) The first paragraph of the Restated Certificate of Incorporation of the Corporation shall be amended and restated to read in full as follows: "FIRST: The name of the corporation (hereinafter called the 'Corporation') is NetworkCar, Inc."

TWO: That, thereafter, the stockholders of said Corporation approved such amendments by vote of the outstanding shares in accordance with Section 228 of the General Corporation Law of the State of Delaware.

THREE: That said amendments were duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

FOUR: That the capital of said Corporation shall not be reduced under or by reason of said amendment.



Charles A. Myers, Jr., Secretary

Exhibit 2

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: HTI IP, LLCApplication No./Patent No.: 10/614,665 Filed/Issue Date: July 7, 2003Entitled: INTERNET-BASED SYSTEM FOR MONITORING VEHICLESHTI IP, LLC, a Delaware corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
- In the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: L. H. Lowrey, M. J. Banet, B. Lightner, D. Borrego and C. Myers To: NetworkCar.com
The document was recorded in the United States Patent and Trademark Office at Reel 014273, Frame 0607, or for which a copy thereof is attached.
2. From: NetworkCar.com, Inc. To: NetworkCar, Inc.
for which a copy thereof is attached.
3. From: NetworkCar, Inc. To: Reynolds and Reynolds Holdings, Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 014273, Frame 0486, or for which a copy thereof is attached.
4. From: Reynolds and Reynolds Holdings, Inc. To: HTI IP, LLC
The document was recorded in the United States Patent and Trademark Office at Reel 018099, Frame 0590, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

9/17/07
Date
770-391-6400
Telephone number

Eric C. Berkobin
Typed or printed name
[Signature]
Signature
Authorized Member
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**CERTIFICATE OF AMENDMENT OF
RESTATED CERTIFICATE OF INCORPORATION
OF NETWORKCAR.COM, INC.,
a Delaware Corporation**

NetworkCar.com, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), does hereby certify:

ONE: That resolutions were duly adopted by the Board of Directors of the Corporation setting forth proposed amendments to the Restated Certificate of Incorporation of the Corporation, and declaring said amendments to be advisable and recommended for approval by the stockholders of the Corporation, and that such resolutions provide that:

(a) The title of the Restated Certificate of Incorporation of the Corporation shall be amended and restated to read in full as "Restated Certificate of Incorporation of NetworkCar, Inc."; and

(b) The first paragraph of the Restated Certificate of Incorporation of the Corporation shall be amended and restated to read in full as follows: "FIRST: The name of the corporation (hereinafter called the 'Corporation') is NetworkCar, Inc."

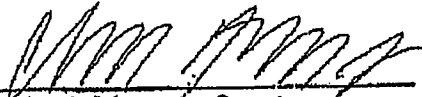
TWO: That, thereafter, the stockholders of said Corporation approved such amendments by vote of the outstanding shares in accordance with Section 228 of the General Corporation Law of the State of Delaware.

THREE: That said amendments were duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

FOUR: That the capital of said Corporation shall not be reduced under or by reason of said amendment.

IN WITNESS WHEREOF, this Certificate of Amendment of Restated Certificate of
Incorporation has been executed as of this 22 day of August, 2000.

NETWORKCAR.COM, INC.



Charles A. Myers, Jr., Secretary

[SIGNATURE PAGE TO CERTIFICATE OF AMENDMENT]

20000822 15:00:00

Exhibit 3

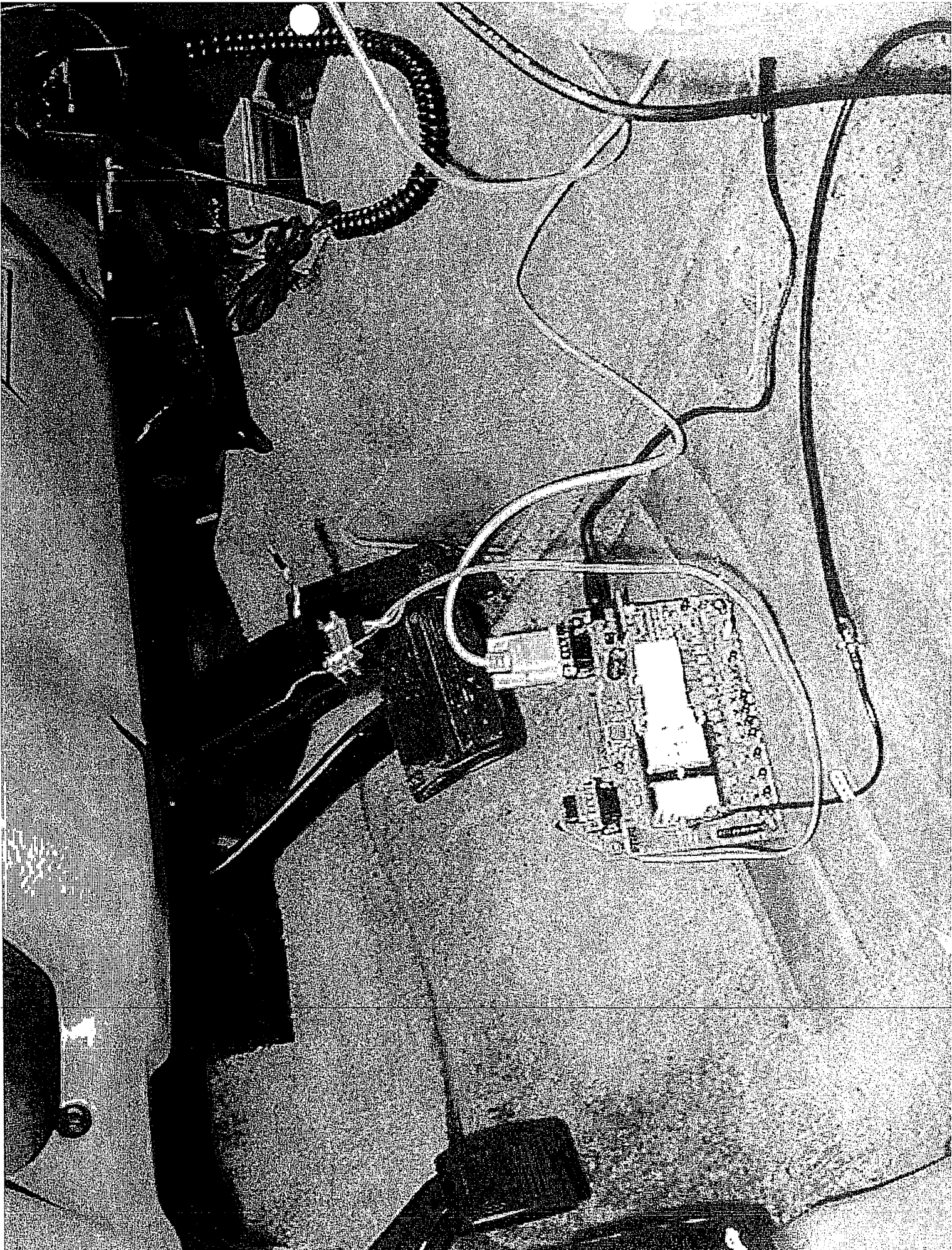


Exhibit 4

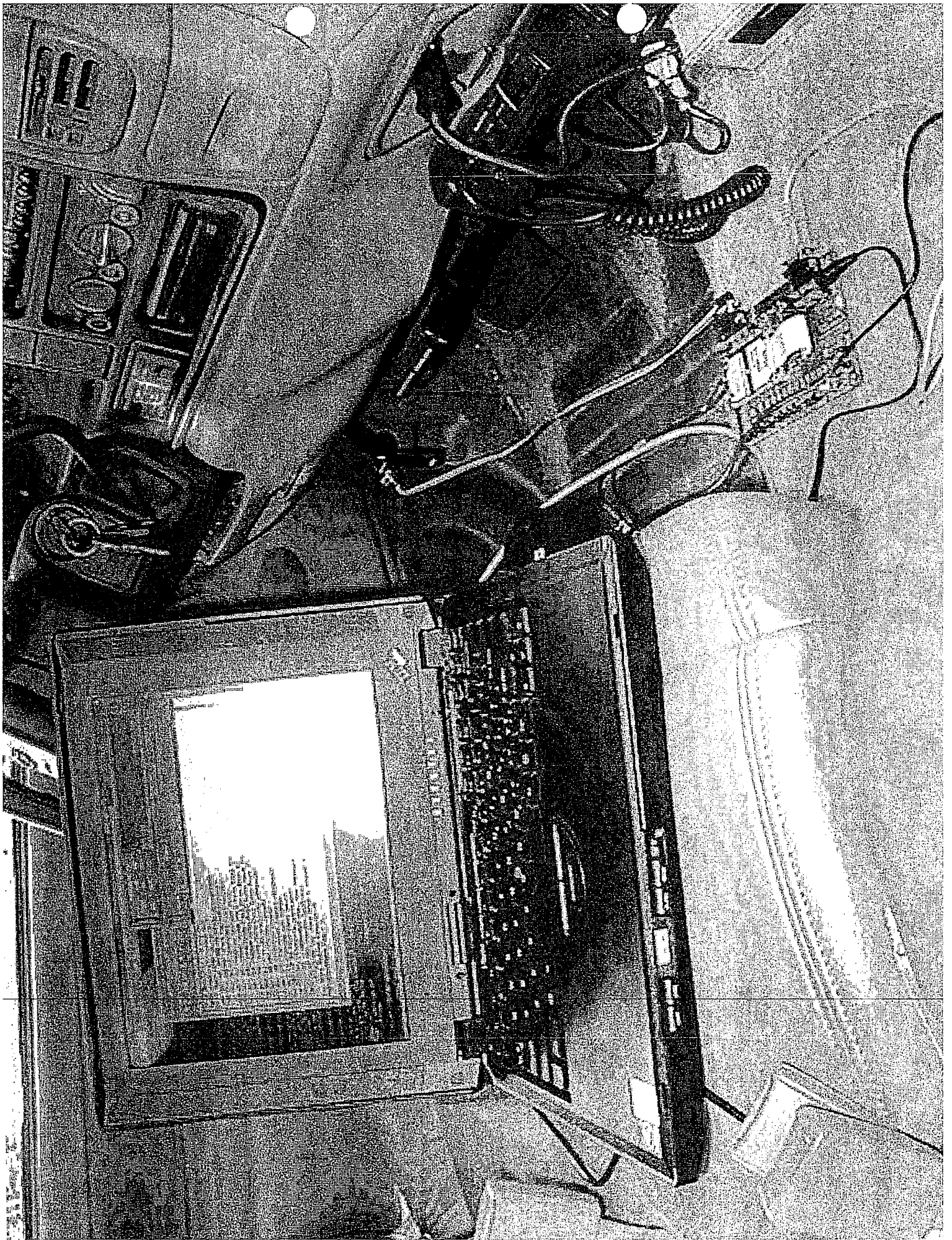


Exhibit 5

From:

#890 P.001/003

From: steve@freyder.net
Return-Path: <steve@freyder.net>
Received: from mail.freyder.net (dt082nfa.san.rr.com [204.210.24.250])
by mail.lightner.net (8.8.7/8.8.6) with ESMTP id PAA15533
for <lightner@lightner.net>; 15:10:23 -0800
Received: from freyder.net (frey4150.freyder.net [10.4.0.41])
by mail.freyder.net (8.8.7/8.8.6) with ESMTP id PAA13183
for <lightner@lightner.net>; 15:03:01 -0800
Message-ID: <38712CA9.45E872D9@freyder.net>

From: "Stephen D. Freyder" <steve@freyder.net>
X-Mailer: Mozilla 4.51 [en] (WinNT; I)
X-Accept-Language: en
MIME-Version: 1.0
To: "Bruce D. Lightner" <lightner@lightner.net>
Subject: Re: Real ODB-II Data
References: <3871247B.D3055DD8@lightner.net>
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit
Status: RO
X-Status:
X-Keywords:
X-UID: 279

The space after the comma wasn't there in the original - but might not matter to their scraper...

"Bruce D. Lightner" wrote:

> Chuck,
>
> I'm now taking data ODB-II data from my 1999 Suburban, sending it via the
> BellSouth network into our IAS gateway, which places it on the Web at the URL:
>
> http://lightner.net/obd
>
> The data should be in the agreed upon data format. Update rate is every two
> minutes.
>
> Here is sample data:
>
> 173000
> 00, 3217029524
> 03, 257
> 04, 2
> 05, 53
> 06, 128
> 07, 128
> 08, 128
> 09, 128
> 0b, 102
> 0c, 0
> 0d, 0
> 0e, 128
> 0f, 59
> 10, 245
> 11, 0
> 12, 4
> 13, 51
> 14, 9088
>
> Bruce
>
> --
> Bruce D. Lightner
> Lightner Engineering

From:

#890 P.002/003

> 8551 La Jolla Shores Drive
> La Jolla, California 92037-3044
> Voice: +1-858-551-4011 FAX: +1-858-551-0777
> Home: +1-858-551-0770
> Email: lightner@lightner.net
> URL: <http://www.lightner.net/lightner/bruce/>

Exhibit 6

Network Car Fleet Management - Microsoft Internet Explorer

Welcome: Carlos Morales

[Your Car]
Mercury Cougar
1997 Black
320 KDS

Imagine yourself in a Mercury

Full Diagnostic Checkup

Date	Odometer	Fuel System Status	Calculated Load Value	Engine Coolant Temperature	Short Term Fuel Bank 1	Long Term Fuel Bank 1	Short Term Fuel Bank 2	Long Term Fuel Bank 2	Fuel Pressure	Intake Manifold Pressure	Engine RPM	Vehicle Speed
10:32:00 AM	3620	512	7	195	122	0	0	0	0	36	694	0
10:31:00 AM	3620	512	7	195	127	0	0	0	0	79	2265	23
10:30:00 AM	3620	512	6	195	126	0	0	0	0	89	2621	55
10:29:00 AM	3620	512	12	195	129	0	0	0	0	22	1546	66
10:28:00 AM	3620	512	54	195	136	0	0	0	0	65	1890	72
10:27:00 AM	3618	512	24	195	128	0	0	0	0	42	1768	66
10:26:00 AM	3618	512	22	195	128	0	0	0	0	41	1936	72
10:24:00 AM	3616	512	67	194	120	0	0	0	0	83	1890	70
10:22:00 AM	3614	512	43	195	123	0	0	0	0	73	1943	72
10:21:00 AM	3614	512	43	195	123	0	0	0	0	73	1943	72

PDF Downloads Diagnostic Codes Clear History

Close this window

Internet zone

Exhibit 7

Mobiscan II Prototype

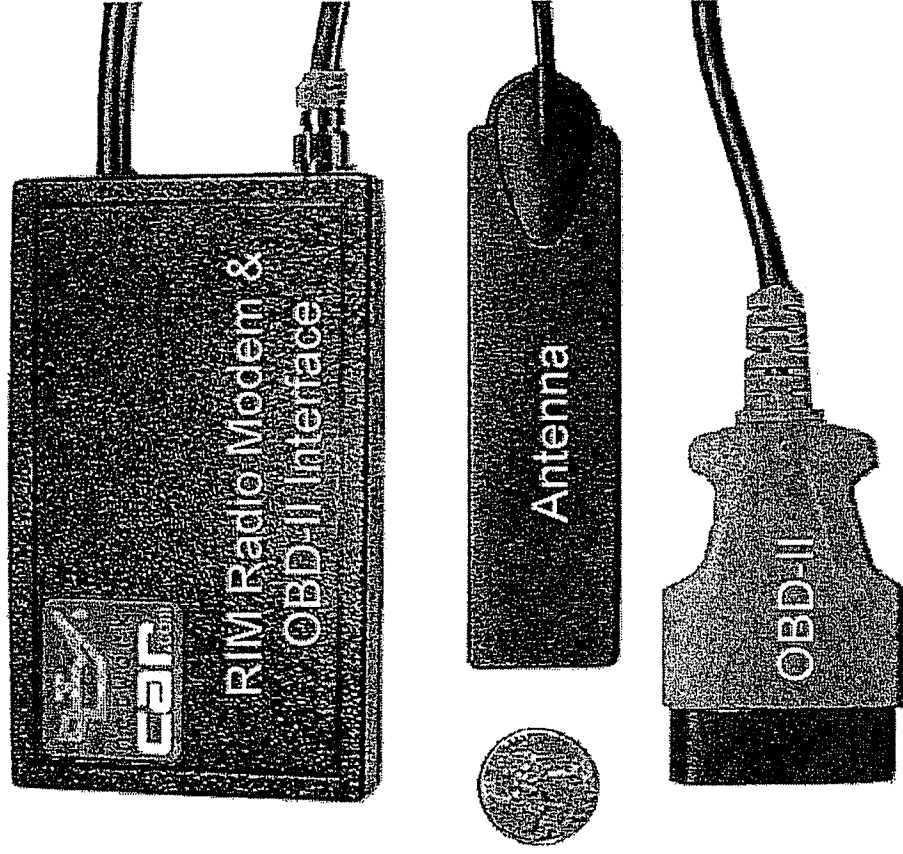


Exhibit 8

NetworkCar and Mobitex

